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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-11-00329 SBA
)	
11 Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO SEPTEMBER 13,
12 v.)	2011 AND TO EXCLUDE TIME UNDER
)	THE SPEEDY TRIAL ACT AND ORDER
13)	
14 DUSTIN MICHAEL BURT,)	
)	Hearing Date: July 19, 2011
15 Defendant.)	Time: 10:00 a.m.
)	
)	

16
17 The above-captioned matter is set on July 19, 2011 before this Court for a status hearing.
18 The parties jointly request that the Court continue the matter to September 13, 2011, at 10:00
19 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
20 and (B)(iv), between July 19, 2011 and September 13, 2011.

21 On May 19, 2011, the Grand Jury charged Mr. Burt with two counts of bank robbery in
22 violation of 18 U.S.C. § 2113(a). Mr. Burt was arraigned on the Indictment on May 20, 2011.
23 He faces a maximum sentence of 20 years on each count.

24 The government produced discovery to the defense on May 31, 2011. Because this is a
25 newly indicted case and because the defense recently received the discovery, defense counsel
26 needs additional time to review and process the discovery provided and to discuss those

1 materials with her client. The defense also requires time to investigate of the circumstances of
2 the offenses charged and to collect Mr. Burt's prior conviction records to prepare an estimate of
3 his anticipated Guidelines range. Additionally, the defense plans to request additional discovery
4 from the government and, if the government agrees to produce that discovery, the defense will
5 need time to review it.

6 Because the requested continuance will allow the defense to complete its review of the
7 discovery, to investigate the underlying facts of the case, and to obtain and review records, the
8 parties agree that the failure to grant this continuance would unreasonably deny counsel for
9 defendant the reasonable time necessary for effective preparation, taking into account the
10 exercise of due diligence.

11 The parties further stipulate and agree that the ends of justice served by this continuance
12 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
13 parties agree that the period of time from July 19, 2011 until September 13, 2011, should be
14 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
15 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
16 diligence.

17
18 DATED: July 13, 2011

/S/
BRIAN C. LEWIS
Assistant United States Attorney

19
20 DATED: July 13, 2011

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the government has produced discovery in this case and that defense counsel needs time to complete its review the discovery and to discuss the discovery materials with her client;

2. Given that the defense plans to request additional discovery from the government;

3. Given that the defense needs additional time to investigate the underlying facts of the case and to obtain records to calculate defendant's sentencing Guidelines range;

4. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

5. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of July 19, 2011, scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for September 13, 2011, at 10:00 a.m. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from July 19, 2011 until September 13, 2011.

DATED: 7/14/11


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge